

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Brian R. Hefferin
Debtor(s)

Bankruptcy Case No.: 19-23231-GLT
Issued Per 2/27/2020 Proceeding
Chapter: 13
Docket No.: 25 - 5
Concil. Conf.: February 27, 2020 at 01:00 PM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated August 13, 2019 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on Feb. 27, 2020 at 01:00 PM, in 3251 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under 11 U.S.C. §506, disputes over the amount and allowance of claims entitled to priority under 11 U.S.C. §507, and all objections to claims.
- ☒ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Claim No. 13 of Pennymac .
- ☒ H. Additional Terms: The estimated pool of funds available to be paid to general unsecured creditors and estimated percentage dividend are revised to \$12,000.00 (23%)

The secured claims(s) of the following creditors shall govern as to claim amount, to be paid at the modified plan interest in a monthly amount to be determined by Trustee to pay in full: Claim No. 8 of PSECU and Claim No. 10 of Toyota

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.



Gregory A. Taddonio, Judge
United States Bankruptcy Court

Dated: February 28, 2020

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Brian R. Hefferin
 Debtor

Case No. 19-23231-GLT
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: dbas
 Form ID: 149

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 Total Noticed: 32

Date Rcvd: Feb 28, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 01, 2020.

db +Brian R. Hefferin, 1042 Laurel Street, Bridgeville, PA 15017-2242
 cr +Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Ave.,
 Pittsburgh, PA 15233-1828
 15105650 ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238
 (address filed with court: Bank of America, Po Box 982238, El Paso, TX 79998)
 15105651 +Bank of America, 4909 Savarese Circle, Fl1-908-01-50, Tampa, FL 33634-2413
 15127203 +Bank of America, N.A., P O Box 982284, El Paso, TX 79998-2284
 15105652 +Barclays Bank Delaware, P.O. Box 8803, Wilmington, DE 19899-8803
 15105653 +Barclays Bank Delaware, Attn: Correspondence, Po Box 8801, Wilmington, DE 19899-8801
 15105654 +Chase Card Services, Po Box 15298, Wilmington, DE 19850-5298
 15105656 +Chase Card Services, Attn: Bankruptcy, Po Box 15298, Wilmington, DE 19850-5298
 15105658 +Citibank, Po Box 6241, Sioux Falls, SD 57117-6241
 15105661 +Citibank, Attn: Recovery/Centralized Bankruptcy, Po Box 790034, St Louis, MO 63179-0034
 15105664 +Credit Control Collect, 2410 Broad Ave, Altoona, PA 16601-1940
 15120059 +JPMorgan Chase Bank, N.A., s/b/m/t Chase Bank USA, N.A.,
 c/o Robertson, Anschutz & Schneid, P.L., 6409 Congress Avenue, Suite 100,
 Boca Raton, FL 33487-2853
 15105667 +P S E C U, P.O. Box 1006, Harrisburg, PA 17108-1006
 15146149 +PennyMac Loan Services, LLC, P.O. Box 2410, Moorpark, CA 93020-2410
 15105672 +Pennymac Loan Services, Correspondence Unit/Bankruptcy, Po Box 514387,
 Los Angeles, CA 90051-4387
 15105671 +Pennymac Loan Services, 6101 Condor Dr, Moorpark, CA 93021-2602
 15105674 ++TOYOTA MOTOR CREDIT CORPORATION, PO BOX 8026, CEDAR RAPIDS IA 52408-8026
 (address filed with court: Toyota Financial Services, Attn: Bankruptcy Dept, Po Box 8026,
 Cedar Rapids, IA 52409)
 15105673 +Toyota Financial Services, Po Box 9786, Cedar Rapids, IA 52409-0004
 15128932 +Toyota Motor Credit Corporation, PO Box 9013, Addison, Texas 75001-9013
 15139121 UPMC Health Services, PO Box 1123, Minneapolis, MN 55440-1123
 15105676 +USAA Federal Savings Bank, 10750 Mc Dermott, San Antonio, TX 78288-1600
 15105677 +USAA Federal Savings Bank, 10750 Mcdermott, San Antonio, TX 78288-1600
 15105678 +USAA Federal Savings Bank, Attn: Bankruptcy, 10750 Mcdermott Freeway,
 San Antonio, TX 78288-1600

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

15105666 E-mail/Text: mrdiscen@discover.com Feb 29 2020 03:09:05 Discover Financial,
 Attn: Bankruptcy Department, Po Box 15316, Wilmington, DE 19850
 15105665 E-mail/Text: mrdiscen@discover.com Feb 29 2020 03:09:05 Discover Financial, Po Box 15316,
 Wilmington, DE 19850
 15109073 E-mail/Text: mrdiscen@discover.com Feb 29 2020 03:09:05 Discover Bank,
 Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025
 15124218 E-mail/PDF: resurgentbknofications@resurgent.com Feb 29 2020 03:17:30 LVNV Funding, LLC,
 Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 15105669 +E-mail/Text: bankruptcynotices@psecu.com Feb 29 2020 03:11:25 P S E C U,
 Attention: Bankruptcy, Po Box 67013, Harrisburg, PA 17106-7013
 15140808 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Feb 29 2020 03:17:36
 Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
 15126941 +E-mail/Text: bankruptcynotices@psecu.com Feb 29 2020 03:11:25 PSECU, PO BOX 67013,
 HARRISBURG, PA 17106-7013
 15105675 +E-mail/Text: BankruptcyNotice@upmc.edu Feb 29 2020 03:11:28 UPMC, 2 Hot Metal Street,
 Pittsburgh, PA 15203-2348

TOTAL: 8

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Pennymac Loan Services, LLC
 15105657* +Chase Card Services, Attn: Bankruptcy, Po Box 15298, Wilmington, DE 19850-5298
 15105655* +Chase Card Services, Po Box 15298, Wilmington, DE 19850-5298
 15105662* +Citibank, Attn: Recovery/Centralized Bankruptcy, Po Box 790034, St Louis, MO 63179-0034
 15105663* +Citibank, Attn: Recovery/Centralized Bankruptcy, Po Box 790034, St Louis, MO 63179-0034
 15105659* +Citibank, Po Box 6241, Sioux Falls, SD 57117-6241
 15105660* +Citibank, Po Box 6241, Sioux Falls, SD 57117-6241
 15105670* +P S E C U, Attention: Bankruptcy, Po Box 67013, Harrisburg, PA 17106-7013
 15105668* +P S E C U, P.O. Box 1006, Harrisburg, PA 17108-1006
 15105679* +USAA Federal Savings Bank, Attn: Bankruptcy, 10750 Mcdermott Freeway,
 San Antonio,, TX 78288-1600

TOTALS: 1, * 9, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
 pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

District/off: 0315-2

User: dbas
Form ID: 149

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Total Noticed: 32

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***** BYPASSED RECIPIENTS (continued) *****

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Mar 01, 2020

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on February 28, 2020 at the address(es) listed below:

James Warmbrodt on behalf of Creditor Pennymac Loan Services, LLC bkgroup@kmlawgroup.com
Lauren M. Lamb on behalf of Debtor Brian R. Hefferin
julie.steidl@steidl-steinberg.com; court docs.sands@gmail.com; acordell@steidl-steinberg.com; cgoga@steidl-steinberg.com; LambLR53037@notify.bestcase.com; rlager@steidl-steinberg.com; leslie.nebel@steidl-steinberg.com
Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com
S. James Wallace on behalf of Creditor Peoples Natural Gas Company LLC sjw@sjwpgh.com, Equitablebankruptcy@peoples-gas.com; srk@sjwpgh.com

TOTAL: 5